

No. 11007-I Lab-70/34263.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s R. B. B. D. Flour Mills, Ambala Cantt.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 22 of 1969

between

THE WORKMAN AND THE MANAGEMENT OF M/S R. B. B. D. FLOUR MILLS,
AMBALA CANTT.

Present :—

Shri D. K. Sharma, for the workman.

Shri R. L. Gupta, for the management.

AWARD

A notice of demand, dated the 3rd January, 1969 which is annexure 'A' to this award was given on behalf of M/s R. B. B. D. Flour Mills Workers Union, Ambala Cantt. Presumably conciliation proceedings were not successful, and the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, only referred the following dispute to this Tribunal for adjudication.—*vide GOVERNMENT GAZETTE* notification No. ID/UMB/16-A-69/13253, dated 8th May, 1969.

Whether the action of the management in discriminating with the members of the R. B. B. D. Flour Mills Workers Union, Ambala Cantt in the matter of grant of special increment is justified and in order. If not; to what relief are they entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. One of the preliminary objections raised by the management is that the present reference is an outcome of demand notice, dated 3rd January, 1969 but the matter which is the subject matter of the present reference was never raised in the notice of demand referred to above, therefore, it can not be said that there was any industrial dispute between the parties with regard to the matter referred for adjudication to this Tribunal and so the present reference is illegal. In order to dispose of this preliminary objection the following issue was framed.

Whether the present reference is not covered by the notice of demand, dated 3rd January, 1969 a copy of which has been sent with the order of reference?

The case was adjourned for arguments but before the arguments could be heard the management made an other application in which an objection was raised that the appointment of the Presiding Officer of the Tribunal was not in accordance with law and therefore this reference could not be adjudicated upon. This objection has however been withdrawn. The case was therefore fixed for 11th September, 1970 for arguments on the preliminary issue but no body appeared on behalf of the workmen to argue the case although the union of the workmen had been duly informed of the date fixed. It appears that no interest in the prosecution of the case is being taken by the union of the workmen. Their representative appeared on the first date of hearing when the preliminary issue was framed. No body appeared on their behalf on 30th October, 1969 which was the next date for hearing and when the case was taken up on 15th May, 1970 for arguments their representative requested for adjournment on the ground that he could not get time for preparing the arguments. The case was accordingly adjourned to 17th July, 1970 but neither on that date nor on the subsequent date any body appeared on behalf of the workmen. Ex-parte argument of the representative of the management were therefore heard. Subsequently a written note by post has been received on behalf of the workmen in which a plea is taken that the word "dispute" has a very wide meaning and a reference can be made even on a oral demand of the workmen or even when there is an apprehension of an industrial dispute. It is further submitted that the Government has very wide powers in making the reference and its powers are not limited to those disputes which were the subject matter of conciliation. It is also submitted that the Tribunal can not canvass the order of reference closely in order to see if there was any material before the Government to justify the order of reference.

Theoretically speaking the submissions made on behalf of the workmen are correct but they are no applicable to the facts of the present case. It is an elementary principle of law that an industrial dispute must exist or it should be apprehended before it can be referred for adjudication. The expression "industrial dispute" has been defined in clause (k) of section 2 of the Industrial Disputes Act and it means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, or any person;

Thus we see that the essence of the expression "industrial dispute" is that there must be a difference of opinion between the parties and before an industrial dispute between the workmen and the management can exist or it can be said to be apprehended, there must be some demand oral or in writing by the workmen which are not accepted by the management.

In the present case the State Government has forwarded to this Tribunal a copy of the notice of demands submitted by the R. B. B. D. Flour Mills Workers Union, Ambala Cantt to the management which is annexure 'A' to this award. There is no assertion by any party that apart from this notice of demands, there has any verbal demand as well. Therefore, the only conclusion that can be drawn is that the subject matter of dispute between the workmen and the management could be only with regard to the points raised in the notice of demands. The demand with regard to the alleged discrimination is contained in para No. 8 of the notice of demands and it is obvious that the order of reference as made by the Government is not covered even by this para and it must therefore be held that the order of reference is not in accordance with law because it is not covered by any of the demands raised by the workmen in the notice of demands. The reference is therefore not in accordance with law. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Dated 28th October, 1970.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 1457, dated 2nd November, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 28th October, 1970.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

To

The Manager,
R. B. B. D. Flour Mills,
Ambala Cantt.

Subject:—Demand Notice.

Sir,

I am authorised by the members of R. B. B. D. Flour Mills Workers Union, Ambala Cantt, to serve you the following demand notice and these demands are to be met within 15 days failing which the workmen shall be free to resort to any action with a view to get their demand fulfilled.

1. Bonus for the year ending 31st October, 1969 be declared.

2. Leave with wages be given as 24 days earned leave, 7 days casual 14 days Medical and 8 Festival days and be given to all workmen when applied for.

3. Workmen be given compensation on retirement for their services who have rendered for more than 30 years in the mills as under 25 F of Industrial Disputes Act.

4. Uniform be supplied to all the workmen immediately which are due in April, 1968, as per agreement.

5. Washing facilities be restored and arrears be given.

6. The wages paid to workmen are meagre and inconsistent with the wages to be given when the G. Dearness Index is the highest in the history of the Country. Rs 100 be fixed as Min. Wages and higher grades for the special work performed by workmen, be given.

7. Special increment be given to workmen due to stoppage of their increment from 1st November 1968.

8. The discrimination regarding overtime work, advance in wages, leave wages, taking tea, short leave between workmen of one union against other be terminated.

Yours faithfully,

(Sd.) DR. D. K. SHARMA,
President,

Dated 3rd January, 1969.

R. B. B. D. Flour Mills Workers Union, Ambala.

Copy to the Conciliation Officer, Yamunanagar.

B. L. AHUJA,
Commissioner for Labour & Employment,

INDUSTRIES DEPARTMENT

The 25th November, 1970

No. 5793 (I)-IBII-G/19/70/32261.—Shri Bhagwant Singh Tanwar who was appointed as Geohydrologist in the Directorate of Industries, Haryana Chandigarh,—*vide* Haryana Government Memo No. 2988-(I)-IBII-G/19/70/20144, dated the 24th July, 1970, has assumed charge as such with effect from 16th September, 1970 (forenoon).

M. L. BATRA, Secy,

SOCIAL WELFARE DEPARTMENT

The 18th November, 1970

No. 5075-SW-4-70.—The Governor of Haryana is pleased to make the following amendment to the "Rules Governing grants-in-aid by the Social Welfare Department, Punjab, to Voluntary Welfare Organisations," in partial modification of notification No. 959-SW-61/4563, dated the 20th July, 1961.

In the said rules, under clause (d) of sub-rule (ii) of rule II for the words "during the year", the words "for the last two years" shall be substituted?

D. D. SHARMA, Secy.

EDUCATION DEPARTMENT

The 19th November, 1970

No. 9002/Ed. I-6E-70/31709.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by the Government, at the public expense, for a public purpose, namely, for the construction of a Women College at village Bhiwani Lohar, tehsil Bhiwani, district Hissar, it is hereby declared that the land described in the specifications below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Hissar District is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of the Collector, Hissar.

SPECIFICATIONS

District	Tehsil	Village	Description	
			Khasra No.	Area
Hissar	Bhiwani	Bhiwani Lohar	288 289	5—14 1—19
			290 Min	
			0—13	35—12
			291	0—15
			292 Min	
			0—4	4—18
			293	1—9
			294 Min	
			5—5	12—13
			295	14—0
			296	0—3
			297	3—13
			298	2—6
			299 Min	
			0—3	1—1
			Total	84—3

The 20th November, 1970

No. 3297-Ed. II-7E-70/30352.—In exercise of the powers conferred by section 4 of the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964, and all other powers enabling him in this behalf, the Governor of Haryana hereby proposes to declare the ancient and historical site at Mitthathal, district Hissar, as a protected area.

Notice is hereby given that the proposal will be taken into consideration by the Government on and after the expiry of a period of two months from the date of publication of this notification in the Official Gazette together with objections or suggestions, if any, which may be received by the Commissioner for Education and Secretary to Government, Haryana, Education Department, Chandigarh, from any person with respect to the draft before the expiry of the specified period.

B. L. AHUJA,

Commissioner for Education and Secy.

DEVELOPMENT & PANCHAYAT DEPARTMENT

The 19th November, 1970

No. 6504-BAP-70/175.—In pursuance of the provisions of section 61 of the Punjab Panchayat Umissis and Zila Prishads Act, 1961, the Governor of Haryana, is pleased to remit the local rate amounting Rs 22,266.46 Paise (Rupees twenty-two thousand two hundred and sixty-six and forty-six Paise) only in

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respect of the following Villages
Panchayat Samitis of district Ambala, as per details given against each:—

Name of Village	Year/Crop	Amount of local rate remitted	Remarks
Rs P.			
1. Suba Akbarpur and 8 (eight) other villages of Ambala Tehsil	1964-65 to 1968-69	931.10	
2. Jagadhri and 9 (nine) other villages of Jagadhri Tehsil	1963-64 to 1968-69	989.47	
3. Samiti, Raipur Rani	Rabi 49 to Rabi 66	6,836.80	
4. Samiti, Naraingarh	Ditto	5,460.87	
5. Samiti, Jagadhri	Ditto	1,393.93	
6. Samiti, Chhachhrauli	Ditto	2,377.27	
7. Samiti, Bilaspur	Rabi 49 to Rabi 62	1,047.99	
8. Samiti Pinjore	Rabi 63 to Rabi 67	3,229.03	
Total ... 22,266.46			

B. S. OJHA, Jt. Secy.

The 26th November, 1970

No. 7765-2ECDI-70/28374.—Shri V. P. Khanna, Block Development & Panchayat Officer, Fatehabad Block, will hold the current charge of the Bhuna Block in addition to his own duties till regular Block Development & Panchayat Officer is posted there, with effect from the date he took over/takes over as such.

2. While holding the charge the aforementioned officer will exercise the powers of Drawing, Disbursing and Controlling Officer in respect of the Bhuna Block.

PARTAP SINGH, Dy. Secy.

IRRIGATION DEPARTMENT

The 25th November, 1970

No. 8610-4PWI-70/32531.—The Governor of Haryana is pleased to reconstitute the State Irrigation Advisory Committee of the composition set forth below, for a period of two years from the date of the issue of this Notification :—

Irrigation and Power Minister

Chairman

Parliamentary Secretary
Irrigation and Power.

Vice-Chairman

OFFICIAL MEMBERS

1. Secretary, Irrigation and Power	Member
2. Chief Engineer Irrigation (C)	Member Secy.
3. Chief Engineer Irrigation (P)	Member
4. Deputy Secretary Irrigation and Power	Member

NON-OFFICIAL MEMBERS

1. Ch. Dalbir Singh, MP.
2. Shri Hem Raj, M. L. A.
3. Shri Amir Chand Kakkar, M. L. A.
4. Pt. Chiranjit Lal, Ex-MLA., Sonepat.
5. Shri Sadhu Ram, Resident of Delhi.
6. Shri Badri Parshad Kala, Mahem.
7. Shri Phool Singh Kataria, Ex-MLA., Rohtak.

3. The Chief Engineer, Irrigation (Canal) shall act as Secretary of the Committee.

4. The headquarter of the Committee shall be at Chandigarh where the Committee shall meet monthly under the Chairmanship of the Irrigation and Power Minister and in his absence the Parliamentary Secretary, Irrigation and Power shall preside and in the absence of the both, the Secretary to Government Haryana, Irrigation and Power shall preside over the meeting.

5. Three members present, of whom at least one is a non-official member shall form the quorum for a meeting.

6. The functions of the Committee will be to advise the Minister-in-charge on general Policy matters and specific programmes. The meeting shall also afford a forum for ventilating public grievances relating to the Department concerned.

7. Any matter intended to be raised at a meeting of the Committee shall be given due notice of to the Secretary of the Committee at least one month before the date of the meeting at which it is intended to be discussed.

8. The term of the Committee will normally be two years but the Government may by order re-constitute the Committee earlier, if they so desire.

9. The members of the Committee will draw Travelling Allowance as under :—

- (a) The Legislators in their ex-officio capacity under the Punjab Legislative Assembly (Allowances of Members) Act, 1942, and the Rules made thereunder, as in force at present or may be amended hereafter.
- (b) The Travelling Allowance admissible to a Member of Parliament, will in respect of journey performed by rail be the same as is admissible to the Members of the State Legislature appointed in an ex officio capacity less one 1st Class fare for journeys by rail to and fro.
- (c) Non-officials other than MLAs/M. Ps. at one 1st Class Railway fare plus incidental allowance and road millage as admissible to a 1st grade Government employee drawing a pay of Rs. 1,000 and Rs. 9.00/-11.25/13.50 in plains/Hills/Special Hills tracts as Daily Allowance. The other conditions laid down in the Punjab T. A. Rules for Government employees will also apply to journeys performed by non-official members except where otherwise provided.
- (d) The T. A. Bills of the Members of the Legislature will however, continue to be countersigned by the Secretary Haryana Vidhan Sabha.

(e) The Travelling Allowance for attending the meetings of the Committee should be allowed to the members from their permanent place of residence to the Place of the meeting. If, however, a member attends a meeting from a place other than the place of his permanent residence, T. A. should be allowed to him either from the place of his residence, or from where he attends the meeting, whichever is less.

(f) The T. A. D. A. will be admissible to the non-official members (other than M. L. As.) on the production of a certificate to the effect that no T. A. in respect of the journey or D. A. for the period mentioned in the bill has been or will be claimed by him/her from any other official source.

10. The Chief Engineer, Irrigation Works, Haryana, shall be the controlling officer authorised to countersign the Travelling Allowance Bills of the members other than M. L. As.

11. The head of account to which the expenditure is debitible will be intimated to the Accountant General, Haryana by the Chief Engineer direct under intimation to Government.

12. This issues with the concurrence of the Finance Department conveyed,—vide their U. O. advice No. 3958-F1CW-70, dated the 4th November, 1970.

R. I. N. AHOOJA,

Commissioner and Secretary.

PUBLIC WORKS DEPARTMENT

PUBLIC HEALTH BRANCH

The 24th November, 1970

No. 7421-PWIII (I)-70/32782.—In partial modification of the notification issued,—vide Haryana Government No. 5894-PWIII (I)-70/26162, dated the 23rd September, 1970, the Governor of Haryana is pleased to modify the said notification to the extent that Shri J. S. Rangrey, on his appointment as Sub-Divisional Engineer on *ad hoc* basis, took over the charge of Ferozepur-Jhirka Public Health Sub-Division, on the 1st August, 1970 (F. N.).

CORRIGENDUM

The 20th November, 1970

No. 6954-PWIII(I)-70/32723.—In partial modification of the Haryana Government Notification issued,—vide No. 6028-PWIII(I)-70/27012, dated the 5th October, 1970, the Governor of Haryana is pleased to amend the said notification to the extent that Shri Mahavir Singh Batra took over the charge of Ground Water Investigation Mechanical Public Health Sub-Division on the 15th July, 1970 (forenoon) and not on 7th September, 1970.

B. L. AHUJA,

Commissioner for Education and Health and Secy

BUILDINGS AND ROADS BRANCH

The 20th November, 1970

No. 10976-PWIV-(2)-70/32778.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government at public expense, for public purpose, namely, for construction of Sub-Tehsil Building at Hathin, it is hereby notified that land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of Section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid Section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by the section.

Further, in exercise of powers under the said Act, the Governor of Haryana is pleased to directs that action under Section 17 shall be taken in this case on the grounds of urgency and the provisions of Section 5-A will not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Area in Kanals	Boundary with description
Gurgaon	Nuh	Hathin	9—3	A strip of land measuring 9K—3M bearing rectangular No. 76 Killa No. 24 West of Palwal Uttawar road.

No. 10976-PWIV-(2)-70/32779.—Whereas it appears to the Governor of Haryana that land specified below is needed by Government at the public expense, namely, for the construction of Sub-Tehsil Building at Hathin in Nuh Tehsil, District Gurgaon, it is hereby declared that the land described in the specification below is required to the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of Section 7 of the said Act, the Land Acquisition Collector, P.W.D., B. and R., Haryana, Ambala Cantt., is hereby directed to take order for the acquisition of the said land.

In view of the urgency of the acquisition, the Governor of Haryana in exercise of the power under section 17(1) of the said Act, is further pleased to direct that the Land Acquisition Officer, Public Works Department, Buildings and Roads Branch, Ambala Cantt. shall proceed to take possession out of the land herein specified any waste or arable land in accordance therewith.

Plans of land may be inspected in the office of the Land Acquisition Collector, P.W.D., B. and R., Haryana, Ambala Cantt. and the Executive Engineer, Construction Division No. 2 Faridabad.

SPECIFICATION

District	Tehsil	Village	Area in Kanals	Boundary with description
Gurgaon	Nuh	Hathin	9—3	A strip of land measuring 9K—3M bearing rectangular No. 76 Killa No. 24 West of Palwal Uttawar road.

No. 6891-PWIII(ASO)-70/32897.—On successful completion of training, Shri Ramesh Kumar Babbar, Assistant Engineer (Under Training) is appointed as Assistant Engineer (Mechanical) in the time scale of Rs. 400—30—700/40—1100 with effect from the forenoon of the 25th September, 1970.

CORRIGENDUM

The 20th November, 1970

No. 7358-PWIII(ASO)-70/32909.—The following shall be substituted for the existing entry "Rs 400—30—700/30—1100" in 4th and 5th line of the Haryana Government Notification No. 5069-PWIII (ASO)-70/22059, dated the 10th August, 1970.

"Rs 400—30—700/40—1100".

B. L. AHUJA,

Commissioner for Education, Health,
Local Government and Secretary to
Government Haryana, P.W.D.

The 12th November, 1970.

No. 1-B.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at public expense, for a public purpose, namely, construction of Primary Health Centre, Tosham in Hissar District. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

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This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana, P.W.D., B. and R., Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality (Village)	Area in acres	REMARKS
Hissar	Bhiwani	Tosham	Khasra No. 790, 791 and 980, 981, 979, 485 =0.375 acres	As demarcated at site.

Hissar Circle

The 17th November, 1970

No. 28-HA/63HB/241.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense, for a public purpose, namely, for the construction of Lalhana Nakta road in Hissar District, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt., or any other special Collector authorised by the Colonization Officer-cum-Special Land Acquisition Collector, Haryana is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition, Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt. and the Executive Engineer, Constn. Division, Bhiwani.

SPECIFICATION

Name of District	Name of Tehsil	Name of Village	Area in acres	Remarks
Hissar	Bhiwani	Nakta Village	0.81	As demarcated at site.
		Total	0.81	

M. G. UPPAL,

Superintending Engineer,
Hissar Circle, P.W.D., B. & R. Branch,
Hissar.